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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,556	09/14/2006	Takayuki Kuroda	F-9185	8933
28107 7590 01/25/2010 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER				
GRANT, ALVIN J				
ART UNIT		PAPER NUMBER		
3723				
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01/25/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,556

Applicant(s)

KURODA ET AL.

Examiner

ALVIN J. GRANT

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-8 and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Dasser DE 14 78 857 A1.

Referring to claim 1, Dasser discloses a clamping mechanism comprising: a clamping main body **(1)** fixed to the base and is communicatingly formed with a rod insertion hole **(Fig. 1)** and a piston receiving cavity **(at 4)**, a clamping rod which is inserted through the rod insertion hole of the clamping main body and protruding its top-end portion from the clamping main body, the top-end portion being provided with an engagement portion capable of engaging with the inner wall or side wall of the hole, a piston member **(2)** movably mounted in the piston receiving cavity **(at 4)** of the clamping main body, a rod support mechanism which moves the engagement portion of the clamping main body in a direction roughly rectangular to the longitudinal direction of the clamping rod and switchably supports the clamping rod in the clamping main body or the piston member across a clamping position and a clamp release position, a piston driving means for driving the piston member across the clamping position and the clamp release position, the piston driving mechanism being provided with a spring for elastically energizing the piston member away from the clamping object of the clamping position; and a cam

mechanism (**claim 2**) for driving the engagement portion of the clamping rod in a clamping direction roughly rectangular to the longitudinal direction of the clamping rod by a driving force of the piston driving means for driving the piston member to the clamping position; a rod return mechanism for returning the clamping rod to the clamp release position when the piston member is moved to the clamp release position (**claim 1**).

Referring to claims 2-8 and 12, see claims 1-6; and Figs. 2-6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 4, 6, 8, and 10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa 6,095,509 in view of Kohlert 5,746,420.

Yonezawa discloses a clamping device for fixing a clamping object to a base by releasably engaging with an inner wall of a hole (**2**) or side wall formed in the clamping object, the clamping device comprises claimed elements including: a clamping main body (**11a**) fixed to the base (**at 29**) and is communicatingly formed with a rod insertion hole (**2**) and a piston receiving cavity (**20**), a clamping rod (**12**) which is inserted through the rod insertion hole (**2**) of the clamping main body and protruding its top-end portion from the clamping main body, the top-end portion being provided with an engagement

portion capable of engaging with the inner wall or side wall of the hole, a piston member (20) movably mounted in the piston receiving cavity (at 20) of the clamping main body, a rod support mechanism, a piston driving means for driving the piston member across the clamping position and the clamp release position, the piston driving mechanism being provided with a spring; a rod return mechanism. Yonezawa does not specifically disclose a cam mechanism. Kohlert discloses a clamping that uses a cam mechanism to manipulate the movement of piston in a longitudinal direction so as to facilitate the clamping effort. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Yonezawa's apparatus to have a cam mechanism to manipulate the movement of piston in a longitudinal direction as taught by Kohlert so as to facilitate the clamping effort.

Response to Arguments

5. Applicant's arguments filed 10/5/09 have been fully considered but they are not persuasive.
6. In response to applicant's arguments that the elements of European Patent DE 14 78 857 A1 (to Dasser) do not function as those of Applicant's, Dasser discloses the elements that provide the clamping functions. The rejection, which is USC 102(b), considers the presence of the elements.
7. In response to Applicant's arguments that US Patent 6,095,509 (to Yonezawa) in combination with US Patent 5,746,420 (to Kohlert) is not obvious to one of ordinary skill in the art, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yonezawa discloses the claimed features except for the cam and Kohlert discloses a clamping mechanism that implements the use of a cam.

8. In response to Applicant's arguments that Yonezawa does not disclose a spring for urging the piston member, Yonezawa discloses equivalent elements that function in a manner that produce the expected results.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. J. G./
Examiner, Art Unit 3723

/Joseph J. Hail, III/
Supervisory Patent Examiner, Art Unit 3723